UNITED NATIONS

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ENGLISH AND SPANISH ONLY
ORIGINAL: SPANISH

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

CHILE

Communicated by the Government of Chile

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

SUPREME DECREE NO. 683 OF 21 SEPTEMBER 1990

ESTABLISHMENT OF A NATIONAL NARCOTICS CONTROL BOARD

WHEREAS:

1. Our continent is suffering severely from a rising trend in illicit production and consumption of, demand for and traffic in narcotic and psychotropic drugs and substances, which pose a serious threat to the health and welfare of individuals and adversely affect the economic, cultural and political foundations of society, constituting a matter of particular concern to the Supreme Government;

2. There is evidence in Chile of increasing consumption of the aforesaid substances among the various social groups, particularly young persons, and it is repeatedly found that criminal acts are committed under the effects of such drugs or for the purpose of obtaining them;

3. Successful prevention and control of the abuse and illicit production of and traffic in these substances call for the determined will of the State and the collaboration of the entire community in coordinated action at national level and within the framework of international cooperation;

4. It is necessary to carry out studies in order to adapt Chilean legislation to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, signed by the Government of Chile on 20 December 1988, ratified on 13 March 1990 and promulgated by a Supreme Decree published on 20 August 1990. Such adaptation should be focused in particular on aspects dealing with the laundering of proceeds derived from crimes of illicit trafficking in narcotic drugs and psychotropic substances, on measures to monitor chemical substances used in the unlawful manufacture of narcotic drugs, and on equipping the judicial authorities and the institutions responsible for public order

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and security with the legal means to increase their effectiveness in prosecuting and appropriately punishing all persons involved in organized criminal activities and to allow the seizure and confiscation of property connected with such offences;

5. The Commission which was created by Decree No. 871 of 1982 of the Ministry of the Interior is not an appropriate instrument for the action required by the current situation;

6. It is necessary to set up an interministerial governing body to advise the President of the Republic on these matters, with a view to achieving the coordinated action of all bodies responsible for prevention and control of the abuse of and illicit traffic in narcotic drugs and other offences defined in article 3 of the aforementioned United Nations Convention of 1988, as well as on all aspects dealing with the treatment, rehabilitation and social reintegration of drug addicts and victims of drug dependence;

HAVING REGARD TO:

The provisions set out in articles 19.1, 19.9 and 32.8 of the Political Constitution of the Republic;

I HEREBY DECREE THE FOLLOWING:

Article one:

An Interministerial Committee, to be known as the "Consejo Nacional para el Control de Estupefacientes" ("National Narcotics Control Board"), is hereby created with the aim of advising the President of the Republic on all matters relating to the prevention and control of abuse and illicit production of and traffic in narcotic or psychotropic drugs or substances and any other activities connected with such offences, as well as on aspects dealing with the treatment, rehabilitation and social reintegration of persons suffering from drug addiction.

Article two:

In the pursuit of its aim, the Board shall, within a period of six months following publication of this Decree, submit to the President of the Republic its proposals for a national policy on the matters referred to in the foregoing article, which policy shall contain specific plans and programmes of action to be implemented through the ministry or government departments concerned. The President of the Republic may extend the aforesaid period by a further six months at the justifiable request of the Board.

Article three:

The Committee shall, in addition, coordinate the involvement, activities and duties of all State institutions, bodies and services, including those of the decentralized administration, municipal authorities and any private organizations in which the State has a holding or interest, irrespective of their legal status, in connection with the matters referred to in article one.

Article four:

The Board shall also have the following duties:

(a) Proposing measures for the embodiment of the national policy to be approved by the President of the Republic, and advising the Executive on monitoring the application thereof;

(b) Promoting the study, research and compilation of data on matters within its sphere of competence, and proposing such statutory or regulatory amendments as it deems appropriate for the due implementation of the aforesaid national policy;

(c) Instructing the institutions, bodies and services referred to in article three to authorize specialist personnel from their departments to undertake duty assignments at the executive secretariat or specific tasks as required of them by the Board;

(d) Requesting technical advice and information from public and private organizations, which shall be obliged to provide such advice and information, unless otherwise laid down by law;

(e) Liaising with the various international organizations responsible for matters within the Board's sphere of competence, for the purpose of establishing effective, mutual collaboration and exchange of information and the appropriate representation of Chile in such organizations, without prejudice to the powers of the Ministry of Foreign Affairs or to any powers conferred upon other State bodies in the matter;

(f) Any other duties required of the Board by the President of the Republic, in accordance with his constitutional and statutory powers.

Article five:

The Board shall be headed by the Minister of the Interior and shall comprise the Minister of Foreign Affairs, Minister of National Defence, Minister of Finance, Minister of Justice, Minister of Public Education, Secretary-General of State, Minister of Health, a representative of the Army, Navy, Air Force and Carabineros de Chile, the Director of the Criminal Investigation Department of Chile, the Under-Secretary of the Interior (who shall also act as the Board's Executive Secretary), and two members freely appointed by the President of the Republic, one of whom shall be the Board's Legal Adviser.

Article six:

The executive secretariat shall be a permanent organ and have its administrative seat at the office of the Under-Secretary of the Interior. It shall be responsible for advising the Board on technical matters, for organizing working teams and, subject to budgetary resources and to current statutory and administrative regulations, for recruiting such professional staff as it deems necessary, who shall be remunerated as officials in the employ of the Ministry of the Interior. The Ministry of the Interior shall provide the executive secretariat with technical and administrative support.

Article seven:

The executive secretariat shall also have the following duties:

(a) Executing the Board's decisions and ensuring compliance therewith;

(b) Taking the necessary action to implement the national policy referred to in article two;

(c) Preparing such plans, studies and procedures of coordination as are required of it by the Board;

(d) Planning, organizing and coordinating the administrative operation of the Board;

(e) Drafting records of meetings and keeping an appropriate register of its documentation; and

(f) Any other duties required of it by the Board within its powers.

The executive secretariat shall submit its proposed Rules of Procedure to the Board.

Article eight:

The executive secretariat shall directly instruct the services and institutions referred to in article three to execute and comply with the Board's decisions. However, in the case of the armed forces and the security and police forces, such instructions shall be imparted through the relevant ministry.

Article nine:

The Board may instruct any of the State institutions, bodies or services specified in article three to provide such technical or professional advice, information and collaboration as it deems necessary for the performance of its duties, and issue them with directions for the execution of the national policy approved by the President of the Republic. The individual chiefs of service concerned shall be responsible for due and proper compliance therewith, without prejudice to the duties, tasks and obligations devolving upon the aforesaid entities by law or statute.

The Board may, in addition, seek technical advice, information and collaboration from private Chilean organizations and from public or private foreign or international organizations whose aims and activities are connected with prevention and control as referred to in article one, and shall coordinate any action taken by the aforementioned private Chilean organizations within the framework of the national policy to be approved.

Article ten:

The Legal Adviser shall deputize for the Executive Secretary in the event of the latter's absence or incapacity, and shall perform any other specific duties assigned to him by the Board or by the Executive Secretary.

Article eleven:

Decree No. 871 of 13 July 1982 of the Ministry of the Interior is hereby repealed.

TO BE RECORDED, REGISTERED, COMMUNICATED AND PUBLISHED.

(Signed) PATRICIO AYLWIN AZOCAR,
President of the Republic

(Signed) ENRIQUE KRAUSS RUSQUE,
Minister of the Interior

(Signed) BELISARIO VELASCO BARAONA
Under-Secretary of the Interior